

13 CJ 9108

JS 44C/SDNY
REV. 5/2010

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS		DEFENDANTS
Irving Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC		The Diana Melton Trust dated 12/05/05
ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)		ATTORNEYS (IF KNOWN)
Baker & Hostetler, 45 Rockefeller Plaza, New York NY 10111, Attn Marc Hirschfield		Kachroo Legal Services, P.C. 245 Park Avenue, 39th Floor New York, NY 10167, Attn Gaytri Kachroo
CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE) (DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)		
Customer's Motion for Mandatory Withdrawal of the Reference pursuant to 28 U.S.C. 157(d)		
Has this or a similar case been previously filed in SDNY at any time? No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Judge Previously Assigned Judge Rakoff		
If yes, was this case Vol. <input type="checkbox"/> Invol. <input type="checkbox"/> Dismissed. No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, give date _____ & Case No. _____		
(PLACE AN <input checked="" type="checkbox"/> IN ONE BOX ONLY)		NATURE OF SUIT

				ACTIONS UNDER STATUTES	
TORTS		FORFEITURE/PENALTY		BANKRUPTCY	OTHER STATUTES
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	[] 180 AGRICULTURE [] 182 OTHER FOOD & DRUG [] 186 DRUG RELATED	[] 1422 APPEAL [] 188 28 USC 158 [] 1423 WITHDRAWAL [] 188 28 USC 157	[] 1400 STATE REAPPORTIONMENT [] 1410 ANTITRUST [] 1430 BANKS & BANKING [] 1450 COMMERCE [] 1460 DEPORTATION [] 1470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO) [] 1480 CONSUMER CREDIT [] 1490 CABLE/SATELLITE TV [] 1810 SELECTIVE SERVICE [] 1850 SECURITIES/ COMMODITIES/ EXCHANGE [] 1875 CUSTOMER CHALLENGE [] 1884 SSID TITLE XVI [] 1890 OTHER STATUTORY ACTIONS [] 1891 AGRICULTURAL ACTS [] 1892 ECONOMIC STABILIZATION ACT [] 1893 ENVIRONMENTAL MATTERS [] 1894 ENERGY ALLOCATION ACT [] 1895 FREEDOM OF INFORMATION ACT [] 1900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE [] 1950 CONSTITUTIONALITY OF STATE STATUTES
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY - MED MALPRACTICE	<input type="checkbox"/> 186 PERSONAL INJURY - LIABILITY	<input type="checkbox"/> 180 AGRICULTURE	<input type="checkbox"/> 1422 APPEAL
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 182 OTHER FOOD & DRUG	<input type="checkbox"/> 188 28 USC 158	<input type="checkbox"/> 1410 ANTITRUST
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 186 DRUG RELATED	<input type="checkbox"/> 1423 WITHDRAWAL	<input type="checkbox"/> 1430 BANKS & BANKING
<input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT	<input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY	<input type="checkbox"/> 380 PERSONAL PROPERTY	<input type="checkbox"/> 188 28 USC 157	<input type="checkbox"/> 180 AGRICULTURE	<input type="checkbox"/> 1450 COMMERCE
<input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	<input type="checkbox"/> 340 MARINE LIABILITY	<input type="checkbox"/> 382 PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 182 OTHER FOOD & DRUG	<input type="checkbox"/> 182 OTHER FOOD & DRUG	<input type="checkbox"/> 1460 DEPORTATION
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT LIABILITY	<input type="checkbox"/> 386 OTHER PERSONAL INJURY	<input type="checkbox"/> 186 PERSONAL INJURY - LIABILITY	<input type="checkbox"/> 180 AGRICULTURE	<input type="checkbox"/> 1470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
<input type="checkbox"/> 152 RECOVERY OF DEFOLTED STUDENT LOANS (EXCL VETERANS)	<input type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> 387 OTHER PERSONAL INJURY	<input type="checkbox"/> 182 OTHER PERSONAL PROPERTY	<input type="checkbox"/> 182 OTHER PERSONAL PROPERTY	<input type="checkbox"/> 1480 CONSUMER CREDIT
<input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	<input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY	<input type="checkbox"/> 388 OTHER PERSONAL INJURY	<input type="checkbox"/> 186 PROPERTY DAMAGE PRODUCT LIABILITY	<input type="checkbox"/> 182 OTHER PERSONAL PROPERTY	<input type="checkbox"/> 1490 CABLE/SATELLITE TV
<input type="checkbox"/> 160 STOCKHOLDERS SUITS			<input type="checkbox"/> 186 PROPERTY DAMAGE PRODUCT LIABILITY	<input type="checkbox"/> 180 OTHER	<input type="checkbox"/> 1810 SELECTIVE SERVICE
<input type="checkbox"/> 190 OTHER CONTRACT				<input type="checkbox"/> 180 OTHER	<input type="checkbox"/> 1850 SECURITIES/ COMMODITIES/ EXCHANGE
<input type="checkbox"/> 195 CONTRACT PRODUCT LIABILITY				<input type="checkbox"/> 182 SOCIAL SECURITY	<input type="checkbox"/> 1875 CUSTOMER CHALLENGE
<input type="checkbox"/> 196 FRANCHISE				<input type="checkbox"/> 182 FAIR LABOR STANDARDS ACT	<input type="checkbox"/> 1884 SSID TITLE XVI
				<input type="checkbox"/> 182 LABOR/RELMGT RELATIONS	<input type="checkbox"/> 1885 RSI (405(g))
				<input type="checkbox"/> 182 LABOR/RELMGT REPORTING & DISCLOSURE ACT	<input type="checkbox"/> 1890 OTHER STATUTORY ACTIONS
				<input type="checkbox"/> 182 RAILWAY LABOR ACT	<input type="checkbox"/> 1891 AGRICULTURAL ACTS
				<input type="checkbox"/> 182 OTHER LABOR LITIGATION	<input type="checkbox"/> 1892 ECONOMIC STABILIZATION ACT
				<input type="checkbox"/> 182 IRS-THIRD PARTY	<input type="checkbox"/> 1893 ENVIRONMENTAL MATTERS
				<input type="checkbox"/> 182 28 USC 7609	<input type="checkbox"/> 1894 ENERGY ALLOCATION ACT
					<input type="checkbox"/> 1895 FREEDOM OF INFORMATION ACT
					<input type="checkbox"/> 1900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
					<input type="checkbox"/> 1950 CONSTITUTIONALITY OF STATE STATUTES
REAL PROPERTY	ACTIONS UNDER STATUTES	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	
REAL PROPERTY					
<input type="checkbox"/> 210 LAND CONDEMNATION	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE	<input type="checkbox"/> 182 IMMIGRATION		
<input type="checkbox"/> 220 FORECLOSURE	<input type="checkbox"/> 442 EMPLOYMENT	<input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE	<input type="checkbox"/> 182 IMMIGRATION		
<input type="checkbox"/> 230 RENT LEASE & EJECTMENT	<input type="checkbox"/> 443 HOUSING/ ACCOMMODATIONS	<input type="checkbox"/> 530 HABEAS CORPUS	<input type="checkbox"/> 182 NATURALIZATION APPLICATION		
<input type="checkbox"/> 240 TORTS TO LAND	<input type="checkbox"/> 444 WELFARE	<input type="checkbox"/> 535 DEATH PENALTY	<input type="checkbox"/> 182 HABEAS CORPUS		
<input type="checkbox"/> 245 TORT PRODUCT LIABILITY	<input type="checkbox"/> 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	<input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> 182 ALIEN DETAINEE		
<input type="checkbox"/> 280 ALL OTHER REAL PROPERTY	<input type="checkbox"/> 446 AMERICANS WITH DISABILITIES - OTHER	<input type="checkbox"/> 550 CIVIL RIGHTS	<input type="checkbox"/> 182 OTHER IMMIGRATION ACTIONS		
		<input type="checkbox"/> 440 OTHER CIVIL RIGHTS	<input type="checkbox"/> 555 PRISON CONDITION	<input type="checkbox"/> 182 OTHER IMMIGRATION ACTIONS	

Check if demanded in complaint: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ _____ OTHER _____

JUDGE Jed S. Rakoff

DOCKET NUMBER All Madoff-related 12 MC 11

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.
All Madoff-related Motions to Withdraw Reference
have been assigned to Judge Rakoff

(PLACE AN X IN ONE BOX ONLY)

- | | | | | | | |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2a. Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment |
| <input type="checkbox"/> 2b. Removed from State Court AND at least one party is pro se. | | | | | | |

(PLACE AN X IN ONE BOX ONLY)

- | | | | | |
|---|---|---|--------------------------------------|--|
| <input type="checkbox"/> 1 U.S. PLAINTIFF | <input type="checkbox"/> 2 U.S. DEFENDANT | <input checked="" type="checkbox"/> 3 FEDERAL QUESTION (U.S. NOT A PARTY) | <input type="checkbox"/> 4 DIVERSITY | IF DIVERSITY, INDICATE CITIZENSHIP BELOW.
(28 USC 1332, 1441) |
|---|---|---|--------------------------------------|--|

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input type="checkbox"/> 11 DEF <input type="checkbox"/> 11	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> 13 DEF <input type="checkbox"/> 13	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 15 DEF <input type="checkbox"/> 15
CITIZEN OF ANOTHER STATE	PTF <input type="checkbox"/> 12 DEF <input type="checkbox"/> 12	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	PTF <input type="checkbox"/> 14 DEF <input type="checkbox"/> 14	FOREIGN NATION	PTF <input type="checkbox"/> 16 DEF <input type="checkbox"/> 16

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

The Diana Melton Trust dated 12/05/05
c/o Kachroo Legal Services, P.C.
245 Park Avenue, 39th Floor
New York, NY 10167

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC
c/o Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York, 10111

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE 12/20/13 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
 YES (DATE ADMITTED Mo. _____ Yr. _____)
Attorney Bar Code # 586261

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)